

REMARKS

Claims 1-7 and 9-11 are pending in this application. Claims 7 and 9 are independent. Claims 5 and 6 have been withdrawn from consideration. In light of the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

Official Action

In the outstanding Official Action, the Examiner rejected claims 1-4, 7, and 9 under 35 U.S.C. § 102(b) as being anticipated by *Kanazawa et al.* (USP 5,044,454); and rejected claims 1-4, 7, and 9 under 35 U.S.C. § 102(a) as being anticipated by *Ishii et al.* (JP 2000-43739). Applicants respectfully traverse these rejections.

Claim Rejections - 35 U.S.C. § 102(b) - *Kanazawa et al.*

With regard to the Examiner's rejection of claim 7 under 35 U.S.C. § 102(b) as being anticipated by *Kanazawa et al.*, the Examiner asserts that *Kanazawa et al.* teaches the concave member of the claimed invention, citing to reference numeral 227. Applicants respectfully disagree with the Examiner's characterization of this reference.

It is respectfully submitted that the disclosure set forth in *Kanazawa et al.* is directed to a rear wheel steering device for a vehicle. Specifically, *Kanazawa et al.* discloses at col. 5, lines 51-60 as follows:

The bearing portion 226 is retained by a retainer body 227. This retainer body 227 is disposed inside the housing 40. The retainer body 227 is connected with an adjustment member 232 by means of a spring 231. This adjustment member 232 is screwed into a cover member 234 of the housing 40. An engagement relation of the worm 230 of the output shaft 224 with the worm wheel 214 can be adjusted depending upon how much the adjustment member 232 is screwed into the cover member 234.

In contrast, the present invention as set forth in claim 7 recites, *inter alia*, an electric power steering apparatus comprising a concave member accepting the bearing. It is respectfully submitted that *Kanazawa et al.* discloses a retainer body 227 disposed inside the housing 40 retaining a bearing portion 226. However, *Kanazawa et al.* fails to teach or suggest a concave member **accepting** the bearing as recited in claim 7. As such, it is respectfully submitted that claim 7 is not anticipated by *Kanazawa et al.*

Further, *Kanazawa et al.* discloses transmission mechanism 33 provided with two shafts 200, 202. Arranged on shafts 200, 202 is the worm gearing mechanism 48 (col. 5, lines 15-29). Thus, rotary motion of servomotor 32 is transmitted to rear wheel steering shaft 30 via shaft 200. In contrast, the present invention set forth in claim 7 recites, *inter alia*, a steering shaft on which a worm wheel is disposed. It is respectfully submitted that *Kanazawa et al.*

fails to teach or suggest a steering shaft on which a worm wheel is disposed. Thus, claim 7 is allowable over *Kanazawa et al.*

It is respectfully submitted that claims 1-4 are allowable for the reasons set forth above with regard to claim 7 at least based upon their dependency on claim 7.

With regard to the Examiner's rejection of claim 9, the Examiner asserts that *Kanazawa et al.* discloses a housing 40 for housing the bearing and the concave member. Applicants respectfully disagree with the Examiner's characterization of this reference.

It is respectfully submitted that *Kanazawa et al.* discloses a housing 40 which houses the steering system for a vehicle.

In contrast, the present invention as set forth in claim 9 recites, *inter alia*, an electric power steering apparatus wherein a housing that **directly** holds the bearing is the same housing that holds the biasing member. It is respectfully submitted that *Kanazawa et al.* fails to teach or suggest a housing that directly holds the bearing is the same housing that holds the biasing member.

It is further respectfully submitted that *Kanazawa et al.* fails to teach or suggest the concave member as set forth in claim 9 based upon the reasons set forth above with regard to claim 7. As such, it is respectfully submitted that claim 9 is not anticipated by *Kanazawa et al.*

Claim Rejections - 35 U.S.C. § 102(a) - *Ishii et al.*

The Examiner rejected claims 1-4, 7, and 9 under 35 U.S.C. § 102(a) as being anticipated by *Ishii et al.* It is respectfully submitted that in order to maintain a rejection under 35 U.S.C. § 102(a), the invention must be patented by another. It is respectfully submitted that the inventors of Japanese Publication No. 2000-43739 are the same inventors of the present application. Thus, as the art cited by the Examiner is not published or patented by another, it does not constitute prior art under 35 U.S.C. § 102(a). As such, it is respectfully requested that the outstanding rejections be withdrawn.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 09/655,847

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Michael K. Mutter, #29,680

MKM/CMV/jdm
1560-0348P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000